

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**MHAMMAD ABU-SHAWISH,
Plaintiff,**

v.

Case No. 10-C-0473

**UNITED STATES OF AMERICA, et al.,
Defendants.**

MEMORANDUM

Plaintiff Mhammed Abu-Shawish, proceeding pro se, has filed a complaint against the United States and twenty-four individual defendants. He brings his claims against the United States pursuant to the Federal Tort Claims Act and his claims against the individual defendants pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). So far, the United States is the only party that has appeared in the case, and plaintiff has asked that the Clerk of Court enter the individual defendants' default pursuant to Federal Rule of Civil Procedure 55(a). The assistant U.S. attorney representing the United States and some of the individual defendants has filed a response to plaintiff's request, noting that entry of default would be inappropriate because plaintiff has not properly served the individual defendants. The Clerk of Court has not entered the defendants' default, and apparently he does not intend to do so.

My purpose in writing this memorandum is to make clear that there are no pending motions relating to these issues. No defendant has moved to dismiss for lack of personal jurisdiction, insufficient process, or insufficient service of process. Plaintiff has not filed a motion asking that I direct the Clerk to enter the individual defendants' default. The United

States seems to think that the plaintiff has requested additional time to serve the individual defendants, but I have seen no such request and plaintiff denies having made such a request. (See Docket #25 at 2.) To the extent any party wants me to make a decision on these matters, such party must file an appropriate motion.

Dated at Milwaukee, Wisconsin, this 22nd day of August, 2011.

/s _____
LYNN ADELMAN
District Judge